

FAO-157-1992

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-157-1992

Date of Order:-19.04.2024

Malkiat Singh

...Appellant

Versus

Sat Narain and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr.Shrenik Jain, Advocate
for the appellant.

None for the respondents.

SUVIR SEHGAL, J.

1. Claimant – appellant is in appeal assailing the award dated 16.12.1991 passed by the Motor Accident Claims Tribunal, Sonapat (for short – ‘the Tribunal’) whereby his claim petition filed under the Motor Vehicles Act, 1939 has been dismissed.

2. Facts leading to the filing of the appeal are that appellant, who was driving a tanker met with an accident with a truck coming from the opposite side on Delhi – Murthal road. Appellant – claimant sustained injuries, remained admitted in a hospital and filed a petition, claiming compensation of Rs.5 lakhs. Petition was contested by the owner as well as insurance company of the truck, respondents No.2 and 3, respectively. However, respondent No.1, who was the driver of the truck was proceeded against ex-parte. After the parties led evidence, the Tribunal by award under challenge dismissed the claim petition.

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3. I have heard counsel for the appellant and examined the available record with his able assistance.
4. The appellant – claimant examined three witnesses in support of his claim. He himself appeared in the witness-box as PW1 and deposed on the lines as pleaded by him in his claim petition. He examined his father, Fakir Chand – PW2. However, the testimony of PW2 – Fakir Chand cannot be relied upon as he was not an eye-witness to the accident. The only person, who could possibly be said to be the eye-witness was Sucha Singh – PW3, who was working as a cleaner and travelling in the tanker following the appellant’s vehicle. The examination of his testimony shows that he could not possibly be said to be an eye-witness as his view was blocked by the tanker in front of him. Furthermore, he was an interested witness as he was a former colleague of the appellant – claimant. Still further, it has been found by the Tribunal that as one side of the road leading from Delhi – Murthal was blocked, the appellant was driving on the wrong side, unmindful of the incoming traffic, which resulted in the accident. Even during investigation in the FIR lodged by the appellant, it has been found that the appellant was driving negligently. Therefore, the findings recorded by the Tribunal do not call for any interference.
5. Appeal sans merit and is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

19.04.2024

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Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No